

Amendment dated July 24, 2009

Reply to Office Action of April 28, 2009

REMARKS/ARGUMENTS

Claims 1, 6-7, 13-14, and 20 are pending. By this Amendment, claim 1 is amended, and claims 2 and 11 are canceled without prejudice or disclaimer. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Office Action objected to claims 1-2, 6-7, 11, 13-14, and 20 for informalities. Claims 2 and 11 have been canceled. The Examiner's comment has been addressed in amending claim 1. Accordingly, the objection should be withdrawn.

The Office Action rejected claims 1-2, 6-7, 11, 13-14, and 20 under 35 U.S.C. §103(a) as being unpatentable over Wollaber et al. (hereinafter "Wollaber"), U.S. Patent No. 5,335,721, in view of Laing, U.S. Patent No. 3,366,169. Claims 2 and 11 have been canceled. The rejection is respectfully traversed insofar as it applies to the pending claims.

Independent claim 1 recites, *inter alia*, an outdoor air suction port that sucks the outdoor air into the air conditioner formed in a rear surface of the case positioned on the outdoor side; an outdoor air discharge port that discharges the outdoor air from the air conditioner formed in the upper surface of the case positioned on the outdoor side, wherein the outdoor suction port is substantially the same size as the rear surface of the case, wherein the first outdoor heat exchanger is installed adjacent to and inside the outdoor air suction port to heat exchange with the outdoor air sucked in through the outdoor air suction port, and wherein the second outdoor

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heat exchanger is installed adjacent to and inside the outdoor air discharge port to heat exchange with the outdoor air discharged through the outdoor air discharge port; and a compressor that compresses a refrigerant into a high temperature and a high pressure and is installed on one side of the at least one outdoor heat exchanger, wherein the compressor comprises a horizontal type compressor that includes a driving device and a refrigerant compression device horizontally arranged. Wollaber and Laing, taken alone or in combination, fail to disclose or suggest at least such features of independent claim 1, or the claimed combination.

That is, the Office Action, on page 4, asserted that Wollaber discloses the claimed features of the outdoor air discharge port that discharges the outdoor air from the air conditioner formed in the upper surface of the case positioned on the outdoor side. However, it is respectfully submitted that Wollaber discloses an outdoor cut-off 14 that partitions a rear or outdoor compartment 30 into an outdoor inlet section 32 at an upper side of a rear wall, and an outdoor outlet section 34 at a lower side of the rear wall, as shown in Fig. 3. A blower 52 induces an air flow that passes over a heat exchanger 50 and is then downwardly exhausted through the outdoor outlet section 34. See, for example, Figure 3, and column 3, lines 7-16 of Wollaber. Thus, Wollaber fails to disclose or suggest at least the features of the outdoor air discharge port that discharges the outdoor air from the air conditioner formed in the upper surface of the case positioned on the outdoor side, wherein the outdoor suction port is substantially the same size as the rear surface of the case, as recited in independent claim 1.

The Office Action, on page 4, acknowledged that Wollaber fails to teach “wherein the at

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least one outdoor heat exchanger [comprises] first and second heat exchangers; wherein the indoor air suction port is substantially the same size as the front surface of the case; wherein the outdoor suction port is substantially the same size as the rear surface of the case; and wherein the second outdoor heat exchanger is installed adjacent to and inside the outdoor air discharge port to heat exchange with the outdoor air discharged through the outdoor air discharge port.”

The Office Action then asserted that Laing teaches “an air conditioner...that includes indoor and outdoor cross flow fans (21 and 22), and an evaporator (12) and a first condenser (13a) located near an outdoor suction port...and a second condenser (13b) located near an outdoor discharge port (208).” The Office Action then concluded that “[i]t would have been obvious to one having ordinary skill in the art at the time of invention was made to have modified the air conditioner of Wollaber to include the first and second outdoor heat exchangers as taught by Laing...”

However, Laing merely discloses an air conditioner including a block 1 having a room side 2 and an exterior side 3, an outlet region 207 provided on the exterior side 3 defined between a wall 202 and an adjacent portion of a lower casing wall 6, an outlet 208 provided at a lower part of the wall 202, a heat exchanger block 13a that extends over an upper half of a height of a compartment 11 on the exterior side 3, and a heat exchanger block 13b that extends downwardly and inwardly over a lower half of the height of the compartment 11 on the exterior side 3 near the outlet 208. See, for example, Figures 1, 2, column 3, lines 9-42, and column 4, lines 30-39 of Laing. Therefore, Laing also fails to disclose or suggest at least the features of an

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outdoor air discharge port that discharges the outdoor air from the air conditioner formed in the upper surface of the case positioned on the outdoor side, wherein the outdoor suction port is substantially the same size as the rear surface of the case, as recited in independent claim 1.

Further, even if one having ordinary skill in the art would have modified the air conditioner of Wollaber to include the first and second outdoor heat exchangers as taught by Laing as suggested by the Examiner, the modified air conditioner would have included the outdoor air discharge port provided at the lower side of the rear wall and the second heat exchanger extending downward located near the outdoor air discharge port at lower half of the height of the casing, which teaches away from the claimed features of independent claim 1.

The Examiner further asserted that “providing the outdoor suction port to be [] substantially the same size as the rear surface of the case falls within the realm of common knowledge as obvious mechanical expedient and is illustrated by Laing which teaches that the indoor suction port is substantially the same size as the front surface of the case...” and then concluded that “one having ordinary skill in the art would have been motivated to provide the outdoor suction port to be the substantially the same size as the rear surface of the case...” However, it is respectfully submitted that both Laing and Wollaber disclose the outdoor inlet section 32 and outdoor outlet section 34 (Wollaber) and inlet and louvered wall 208 (Laing) both on the rear wall, and neither Wollaber nor Laing discloses or suggests that the outdoor suction port is substantially the same size as the rear surface of the case. Thus, the Examiner’s proposed modification of Wollaber in view of Laing is clearly based on impermissible hindsight gleaned

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from Applicants' own disclosure.

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Regarding dependent claim 2, the Office Action asserted at page 5 that the element 64, disclosed by Wollaber as a compressor, corresponds to the claimed compressor. However, the compressor 64 in Figure 2 of Wollaber is clearly a vertical type compressor, the compressor components extending in a vertical direction. Thus, Laing and Wollaber, taken alone or in combination fail to disclose or suggest at least the features of a compressor that compresses a refrigerant into a high temperature and a high pressure and is installed on one side of the at least one outdoor heat exchanger, wherein the compressor comprises a horizontal type compressor that includes a driving device and a refrigerant compression device horizontally arranged.

With the claimed features, the claimed indoor air suction port is formed in a front surface of the case, and the claimed indoor discharge port is formed in an upper surface of the case. The claimed at least one indoor heat exchanger is vertically arranged adjacent to and inside the indoor air suction port. Further, the claimed outdoor discharge port is also formed in the upper surface of the case, and the first outdoor heat exchanger is installed adjacent to and inside the outdoor air suction port, while the second outdoor heat exchanger is installed adjacent to and inside the outdoor air discharge port, such that the second outdoor heat exchanger extends in a direction perpendicular to the first outdoor heat exchanger. Additionally, the claimed horizontal type compressor includes a driving device and a refrigerant compression device horizontally arranged. The claimed features reduce a size (height) of the case, so as to obtain a compact configuration. Wollaber and Laing, taken alone or in combination, do not disclose such a

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configuration.

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Accordingly, the rejection of independent claim 1 over Wollaber and Laing should be withdrawn. Dependent claims 6-7, 13-14, and 20 are allowable over Wollaber and Laing at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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